

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

MICHAEL GARNER,
Petitioner,
v.

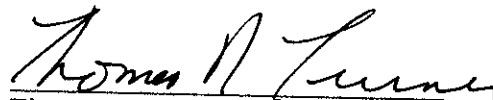
MICHAEL THOMPSON,
Respondent.

Civil Action No. 05-30035-MAP

Application For Certificate Of Appealability

The petitioner, Michael Garner, respectfully moves that this Court grant him a certificate of appealability pursuant to 28 U.S.C. § 2253. Mr. Garner seeks a certificate of appealability as to this Court's dismissal of his habeas corpus petition. The issues which Mr. Garner seeks a certificate of appealability on are: whether the case against the petitioner had been proved beyond a reasonable doubt and whether trial counsel was ineffective at the enhanced sentencing trial for failing to object to the admission of hearsay evidence and failing to move for a required finding of not guilty . A brief memorandum that sets forth the reasons for granting the certificate of appealability is attached.

Respectfully submitted,
The Petitioner
by his attorney,



Thomas N. Turner
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Dated: March 13, 2006

CERTIFICATE OF SERVICE

I, Thomas N. Turner, attorney for the Petitioner in the above-entitled matter, hereby certify that I have sent by first class mail, postage prepaid, a copy of the above Application For Certificate Of Appealability and supporting memorandum to AAG David M. Lieber, Office of the Attorney General, One Ashburton Place, Boston, MA 02108, this 13th day of March 2006.


Thomas N. Turner